

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMMETT A. BUCKLES, III,

Defendant.

**CR-13-58-GF-BMM-01**

**ORDER ADOPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATIONS TO REVOKE  
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 13, 2015. (Doc. 56). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 10, 2015. (Doc. 55). Buckles admitted to having violated standard condition 7 of his supervised release by using methamphetamine, standard condition 2 by failing to report to his probation officer, and special condition 1 by failing to report for substance abuse

testing. (Doc. 56). Judge Johnston found Buckles' admissions sufficient to establish a supervised release violation. *Id.* Judge Johnston recommends that this Court revoke Buckles' supervised release and sentence Buckles to six (6) months imprisonment followed by twenty-two (22) months of supervised release. *Id.*

Buckles' criminal history category is II, the current offense is a Grade C violation, and the underlying offense is a Class C felony. The statutory range is a maximum of 24 months in custody. The applicable guideline range is 4 to 10 months in custody. The statutory and guideline provisions call for 28 months of supervised release, less any custody time imposed.

This Court finds no clear error in Judge Johnston's Findings and Recommendations. A sentence of six (6) months imprisonment with a term of twenty-two (22) months supervised release to follow is sufficient, but not greater than necessary.

**IT IS HEREBY ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 56) is ADOPTED IN FULL. Defendant Emmett A. Buckles, III shall be sentenced to **six (6) months imprisonment** followed by **twenty-two (22) months of supervised release**.

DATED this 29<sup>th</sup> day of July, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

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Brian Morris  
United States District Court Judge